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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in the Lok Sabha on 12th May, 2006:—

BILL NO. 43 OF 2006

A Bill to make special provisions for the areas of Delhi for a period of one year and for matters connected therewith or incidental thereto.

WHEREAS phenomenal increase in the population owing to migration has put tremendous pressure on land and infrastructure in Delhi resulting in developments which are not in consonance with the Master Plan of Delhi 2001 and the building bye-laws;

AND WHEREAS keeping in view the perspective for the year 2021 and emerging new dimensions in urban development, the Central Government has proposed extensive modifications in the Master Plan of Delhi, which have been published and suggestions and objections have been received in respect thereof from the public, and the finalisation of the Master Plan 2021 is likely to take some more time;

AND WHEREAS the Central Government has constituted a Committee of Experts to look into the various aspects of unauthorised construction and misuse of premises and suggest a comprehensive strategy to deal with them;

AND WHEREAS a revised policy for relocation and rehabilitation of slum dwellers in Delhi is also under consideration of the Central Government;

AND WHEREAS a strategy is proposed to be prepared by the local authorities in Delhi in accordance with the National Policy for Urban Street Vendors;

AND WHEREAS action for violation of the provisions of the Master Plan, 2001 and building bye-laws, before a final view is taken in the matter by the Government, is causing avoidable hardship and irreparable loss to a large number of people;

AND WHEREAS some time is required for making orderly arrangements in terms of the proposed Master Plan 2021;

AND WHEREAS it is expedient to have a law to provide temporary relief to the people of Delhi against such action for a period of one year within which various policy issues referred to above are expected to be finalised;

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title,
extent and
duration.

1. (1) This Act may be called the Delhi Laws (Special Provisions) Act, 2006.

(2) It extends to Delhi.

(3) It shall cease to have effect on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act. 10 of 1897.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings; 66 of 1957. Punjab Act 3 of 1911. 61 of 1957.

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) “encroachment” means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) “local authority” means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction; 66 of 1957. 44 of 1994. 61 of 1957.

(e) “Master Plan” means the Master Plan for Delhi 2001 notified under the Delhi Development Act, 1957; 61 of 1957.

(f) “notification” means a notification published in the Official Gazette;

(g) “punitive action” means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of Court orders or otherwise;

(h) "relevant law" means in case of—

61 of 1957.

(i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

(i) "unauthorised development" means use of land or use of building or construction of building carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes encroachment.

61 of 1957.

66 of 1957.

44 of 1994.

(2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall within a period of one year of the coming into effect of this Act, take all possible measures to finalise norms, policy guidelines and feasible strategies to deal with the problem of unauthorised development with regard to the under-mentioned categories, namely:—

Enforcement to be kept in abeyance.

(a) mixed land use not conforming to the Master Plan;

(b) construction beyond sanctioned plans; and

(c) encroachment by slum and *Jhuggi-Jhopri* dwellers and hawkers and street vendors,

so that the development of Delhi takes place in a sustainable and planned manner.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* as on the 1st day of January, 2006 shall be maintained in respect of the categories of unauthorised development mentioned in sub-section (1).

(3) All notices issued by any local authority for initiating action against the categories of unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the expiry of one year, withdraw the exemption by notification in the Official Gazette in respect of one or more of the categories of unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following categories of unauthorised development, namely:—

The provisions of this Act not to apply in certain cases.

(a) any construction unauthorisedly started or continued on or after the 1st day of January, 2006;

(b) commencement of any commercial activity in residential areas in violation of the provisions of the Master Plan of Delhi 2001 on or after the 1st day of January, 2006;

(c) encroachment on public land except in those cases which are covered under clause (c) of sub-section (1) of section 3;

(d) removal of slums and *Jhuggi-Jhompri* dwellers and hawkers and street vendors, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of
Central
Government
to give
directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

STATEMENT OF OBJECTS AND REASONS

Being a major centre for economic growth, the National Capital Territory of Delhi attracts large number of people from across the country, estimated at about 5 lakh immigrants every year. This has resulted in a huge growth in demand for housing and commercial space. However, a number of factors such as restricted density norms, slow pace of acquisition and development of land, low supply of built up accommodation and commercial space and inadequate enforcement have resulted in creating a growing gap between demand and supply of both shelter and commercial space.

2. All development in Delhi is governed by the Master Plan notified under the Delhi Development Act, 1957 and provisions of the Unified Building Bye Laws 1983. In order to provide for the needs of the increasing population of Delhi with a perspective of 2021, the Master Plan of Delhi 2001 has been taken up for extensive revision. With the approval of Government, draft Master Plan of Delhi 2021 has been notified by the Delhi Development Authority on 16th March, 2005. Nearly 7000 suggestions and objections were received from the public and other stake holders and the same are under examination by a Board of Inquiry and Hearing. Finalisation of the Master Plan is likely to take some time. Meanwhile, in various ongoing matters, Hon'ble Courts have issued directions for immediate action against unauthorised constructions and misuse of premises including demolition and sealing. Considering the extent and magnitude of the problem, a Committee of experts has been constituted by the Central Government on 14th February, 2006 to suggest a comprehensive strategy to deal with the issue. The recommendations of the Committee shall be considered by Government for policy options and strategy to deal with the matter.

3. The gap in the demand and supply of shelters has also given rise to a large number of unauthorised colonies on both public and private land as well as the growth of slums on public land. It is estimated that there are around 1400 unauthorised colonies in Delhi and over 6 lakh families living in slums and *Jhuggi-Jhopri*. The Government had earlier finalised guidelines for regularisation of unauthorised colonies existing as on 31st March, 2002 under certain specific terms and conditions. Based on the representations received in this regard, further revision in the guidelines for regularisation of unauthorised colonies is under consideration of the Central Government.

4. As regards the slums and *Jhuggi-Jhopri* existing in Delhi, the Slum and JJ Wing of Municipal Corporation of Delhi and the Delhi Development Authority have been relocating the eligible slum families by providing alternate plots under the current policy for relocation of slum dwellers. In view of the growing scarcity of land in Delhi and in order to counter alleged alienation and speculative transfer of such relocation plots, a revised policy for rehabilitation of slum dwellers in multi-storied tenements as well as through *in situ* regularisation, is under consideration. In the meantime, various orders and directions have been issued by the Hon'ble Courts for removal of slums irrespective of the availability of land for their relocation. It is difficult for the agencies to implement directions of the Courts in a rigid time limit for removal of slums, within the framework of current policy due to non-availability of land. The removal of slum dwellers who are otherwise eligible for relocation under the policy require protection from their displacement pending finalisation of the revised policy.

5. There are also a large number of street vendors in different parts of Delhi. In pursuance to the National Policy of Urban Street Vendors, Court has issued directions to the local bodies to frame specific scheme for street vendors. While the local bodies are formulating schemes in pursuance of the Court's directions, it has to be ensured that the schemes are realistic and take into consideration not only the concerns of hawkers and squatters but also citizens' right on the public places. This would also require some time for finalisation.

6. While a large number of persons would be affected by the decisions relating to such unauthorised development, at the same time, there is wide divergence of public opinion and

views on the best way to deal with these issues. These have to be taken into account while finalising a comprehensive and balanced strategy, on each of these complex issues. This process would involve ground level survey, collection of requisite data, its analysis, consultation with Residents Societies and Residents Welfare Associations by the local bodies. Professional expert organisations may also have to be involved to formulate a sustainable strategy. This will take sometime.

7. Therefore, it has become necessary to take all possible measures for the finalisation of the norms, policy guidelines and feasible strategies in respect of problems relating to the unauthorised development in respect of the mixed land use, construction beyond the sanctioned plans and encroachment by slum dwellers, JJ dwellers, hawkers and street vendors in Delhi within a definite time frame. While this exercise is taken up by Government and its relevant agencies, it has become necessary to maintain *status quo* in respect of these categories of unauthorised development existing as on the 1st January, 2006. For this purpose, it is proposed to enact a law to enable the Government to take a balanced and well-considered view on policies involving such unauthorised development so that the development of Delhi takes place in a sustainable and planned manner, and also provide temporary relief to the persons residing or carrying out commercial activities or otherwise dependent upon such unauthorised development, till such time as the policy or strategy is finalised. The Government, therefore, considers it necessary and desirable to make a special law for this purpose for the National Capital Territory of Delhi.

8. In view of the above, it has become necessary in larger public interest to make special provisions providing *inter alia* for taking of all measures to finalise norms, policy guidelines and strategies in respect of the aforesaid categories of unauthorised developments and for maintenance of *status quo* for one year from punitive action against such unauthorised development, in order to meet the aforesaid objects.

9. The Bill seeks to achieve the above objects.

NEW DELHI;
The 10th May, 2006

S. JAIPAL REDDY.

P.D.T. ACHARY,
Secretary-General.